

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TONYA CURTIS,

Plaintiff,

5:11-CV-0786
(GTS/VEB)

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

APPEARANCES:

OF COUNSEL:

OLINSKY LAW GROUP

Counsel for Plaintiff
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5th Floor, Suite 520
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SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL

Counsel for Defendant
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TOMASINA DiGRIGOLI, ESQ.

HON. GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above-captioned matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Victor E. Bianchini, filed on October 30, 2012, recommending that (1) Defendant's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) Defendant's decision denying disability benefits be reversed, and the case be remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 20.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. After carefully reviewing all of the papers

herein, including Magistrate Judge Bianchini's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; Defendant's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; Defendant's decision denying disability benefits is reversed; and the case is remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Bianchini's Report-Recommendation (Dkt. No. 20) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

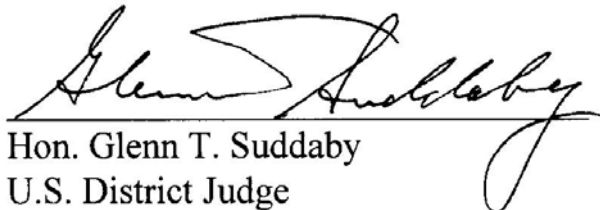
ORDERED that Defendant's motion for judgment on the pleadings (Dkt. No. 17) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**; and it is further

ORDERED that Defendant's decision denying disability benefits is **REVERSED**; and it is further

ORDERED that this matter is **REMANDED** to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: December 7, 2012
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge